

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL DEAN HAMILTON, et al.)	
)	
Plaintiff,)	
)	
v.)	No. 4:10-CV-00712 RWS
)	
CITY OF OVERLAND, et al.)	
)	
Defendants.)	

MOTION FOR APPROVAL OF WRONGFUL DEATH SETTLEMENT

COME NOW Plaintiffs, by and through Counsel, and hereby request the Court enter an Order approving Plaintiffs' Wrongful Death Settlement, and in support state:

1. Plaintiffs filed a Wrongful Death Lawsuit arising from the death of Plaintiffs' brother Kenneth Hamilton, hereinafter decedent, which occurred on or about March 25, 2010, as a result of an altercation with defendant Andrew Ringeisen on or about March 20, 2010.

2. Plaintiffs' decedent is survived by brothers Michael Hamilton, Joseph Hamilton, and Anthony Hamilton, and sister Patricia Weaver. Plaintiffs' decedent had no surviving parents or children and he was not married at the time of his death. Accordingly, plaintiffs Michael Hamilton, Joseph Hamilton, Anthony Hamilton, and Patricia Weaver are the sole members of the class entitled to bring this cause of action or to collect damages for the wrongful death of Kenneth Hamilton pursuant Missouri Revised Statute §537.080, et seq.

3. Plaintiffs have reached a confidential settlement agreement with defendant Andrew Ringeisen, the terms of which will be presented to the Court as a separate Exhibit for review and approval. Plaintiffs have discussed the terms of the settlement with their Counsel and have indicated to Counsel that they understand the terms and conditions of the settlement and believe that settlement under such terms is in their best interest and hereby request the Court approve the same.

4. Plaintiffs have agreed and stipulated that the net settlement shall be divided equally among Plaintiffs after payment of all Attorneys Fees and Expenses, as setforth in Plaintiffs Stipulated Distribution of Settlement Proceeds, which will be presented to the Court as a separate for review and approval.

WHEREFORE, Plaintiffs hereby requests this Court enter its Order:

A. That plaintiffs Michael Hamilton, Joseph Hamilton, Anthony Hamilton, and Patricia Weaver, are the sole members of the class entitled to bring this cause of action and to collect damages for the Wrongful Death of Kenneth Hamilton, deceased, under Missouri Revised Statute §537.080.

B. Approving the settlement as being fair and reasonable, and in the best interests of Plaintiffs.

C. Approving payment of Attorney's Fees and Expenses from the settlement

prior to distribution of the net proceeds to Plaintiffs pursuant to Missouri Revised Statute §537.090, and distributing to the remaining net proceeds equally among plaintiffs Michael Hamilton, Joseph Hamilton, Anthony Hamilton, and Patricia Weaver, as setforth in Plaintiffs Stipulated Distribution of Settlement Proceeds.

D. That Plaintiffs shall collect and acknowledge the satisfaction of payment of the settlement and shall dismiss all claims and causes of action against all Defendants with Prejudice, to which each party pay their own cost.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served by electronic service and by mailing a copy by US Mail postage prepaid this 28th day of February, 2011 to:

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